

AN ORDINANCE 2006-03-23-0406

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundaries as follows:

Lot 1 and Lot 2, NCB 6938; Lot 1 NCB 6939; Lot 8 and the West 12.5 feet of Lot 9 NCB 6939; the East 12.5 feet of Lot 12, all of Lot 13 and Lot 14, NCB 6939; Lot 20 and Lot 21, Block 2, NCB 6530; Lot 4 and the West 25 feet of Lot 5, Block 3, NCB 6202; Lot 9 and the West 25 feet of Lot 10, Block 4, NCB 6203, from "R-4" RIO-1 Residential Single-Family River Improvement Overlay District to "R-4" C RIO-1 Residential Single-Family River Improvement Overlay Conditional District with a Conditional Use for 2 Dwelling Units;

Lot 19 and Lot 20, Block 2, NCB 6201, from "R-4" RIO-1 Residential Single-Family River Improvement Overlay District to "R-4" C RIO-1 Residential Single-Family River Improvement Overlay Conditional District with a Conditional Use for 4 Dwelling Units, and;

A 17.3 foot by 40.84 foot tract out of the Southeast corner of Lot E, City Block A-2, Lot 1 save and except the North 88.00 feet of the West 12.60 feet thereof, all of Lot 2, all of Lot 3, and Lot 4 save and except the North 74.40 feet of the East 33.00 feet thereof and also the South 74.39 feet of the East 23 feet thereof, NCB 7080 from "R-4" RIO-1 Residential Single-Family River Improvement Overlay District to "R-4" C RIO-1 Residential Single-Family River Improvement Overlay Conditional District with a Conditional Use for 6 Dwelling Units.

SECTION 2. The City Council finds as follows:

- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as

set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.

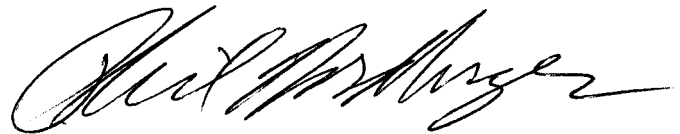
- D. The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective on April 2, 2006.

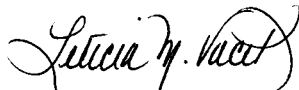
PASSED AND APPROVED this 23rd day of March, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: Z-1.

Date: 03/23/06

Time: 04:03:21 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005282 CD (District 1): An Ordinance amending the zoning district boundary from "R-4" RIO-1 Residential Single-Family, River Improvement Overlay District-1 to "R-4" RIO-1 (CD-2, 4 or 6 Dwelling Units) Residential Single-Family Conditional River Improvement Overlay District-1 with a Conditional Use for 2, 4, or 6 dwelling units on Lot 1 and Lot 2, NCB 6938; Lot 1 NCB 6939; Lot 8 and the West 12.5 feet of Lot 9 NCB 6939; the East 12.5 feet of Lot 12, all of Lot 13 and Lot 14, NCB 6939; Lot 20 and Lot 21, Block 2, NCB 6530; Lot 4 and the West 25 feet of Lot 5, Block 3, NCB 6202; Lot 9 and the West 25 feet of Lot 10, Block 4, NCB 6203, located at 803, 831, 850, 853, and 857 East Magnolia, 115 and 134 Armour Place, and 205 Ostrom; Lot 19 and Lot 20, Block 2, NCB 6201, 668 East Woodlawn; A 17.3 foot by 40.84 foot tract out of the Southeast corner of Lot E, City Block A-2, Lot 1 save and except the North 88.00 feet of the West 12.60 feet thereof, all of Lot 2, all of Lot 3, and Lot 4 save and except the North 74.40 feet of the East 33.00 feet thereof and also the South 74.39 feet of the East 23 feet thereof, NCB 7080, 120 Anastacia; as requested by the City of San Antonio, Applicant, for Multiple Owner(s). Staff and Zoning Commission recommend Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

CASE NO: Z2005282 CD

Staff and Zoning Commission Recommendation - City Council

Date: March 23, 2006

Zoning Commission Meeting Date: February 21, 2006

Council District: 1

Ferguson Map: 583 A-1

Appeal:

Applicant:

City of San Antonio

Owner:

Multiple Owners

Zoning Request:

From "R-4" RIO-1 Residential Single-Family, River Improvement Overlay District to "R-4" RIO-1 (CD - 2, 4 and 6 Units) Residential Single-Family Conditional River Improvement Overlay District with a Conditional Use for 2, 4, and 6 units as per Black and White Exhibit Map

Lots 1 and 2, NCB 6938; Lots 1, 8, the west 12.5 feet of 9, the east 12.5 feet of 12, 13 and 14, NCB 6939; Lots 20 and 21, Block 2, NCB 6530; Lots 4 and the west 25 feet of 5, Block 3, NCB 6202; Lots 9 and the west 25 feet of 10, Block 4, NCB 6203 and Lots 19 and 20, Block 2, NCB 6201; Northeast Irregular 37.4 feet of Lot 1, Lots 2 and 3, and Northwest Irregular 10 feet of Lot 4, NCB 7080 and the Southeast 17.3 feet of Lot E, NCB A-2

Property Location:

803, 831, 850, 853, and 857 East Magnolia; 115 and 134 Armour Place; 205 Ostrom; 120 Anastacia and 668 East Woodlawn

Properties in the neighborhood bound by East Mulberry Avenue to the North, East Craig Place to the South, River Road to the East and Dewberry Street to the West

Proposal:

To allow multi-family dwellings

Neighborhood Association:

River Road Neighborhood Association

Neighborhood Plan:

River Road Neighborhood Plan

TIA Statement:

A traffic impact analysis is not required.

Staff Recommendation:

Consistent

The amended neighborhood plan calls for low and medium density at these locations.

The 2000 River Road Neighborhood Plan Update called for the application of appropriate zoning classifications to all multi-family properties in the neighborhood.

Approval

Per direction from City Council, staff has identified properties within the River Road neighborhood that are eligible to be utilized as low-density multi-family properties. The current zoning, which is "R-4" RIO-1 Residential Single-Family River Improvement Overlay District, does not allow multi-family uses. The 2001 conversion to the Unified Development Code reclassified properties within the River Road neighborhood to a single-family residential zoning classification, which no longer allowed duplexes. However, under the zoning of the 1938 code, many properties in the neighborhood had various multi-family uses. The previous zoning classification was "B" Residential District, which allowed single-family residences and duplexes.

CASE NO: Z2005282 CD

Staff and Zoning Commission Recommendation - City Council

Direction from City Council is to identify and rezone those properties that currently have multi-family uses. Additionally, Staff has also been directed to restore the historic flexibility of eligible properties in which the owner desires to operate a duplex use in the future. Staff is recommending a conditional zoning classification for all properties, thus ensuring that, should the multi-family use cease, the property must be reverted to single-family residential. All properties meet the current dimensional code requirements for their requested conditional zoning.

Through the city's CDBG Rezoning Program, Staff has conducted a study of the properties within the River Road neighborhood boundaries and developed a recommended rezoning proposal that would conform to the updated neighborhood plan.

Staff invited all residential property owners in the neighborhood to a regularly scheduled meeting of the River Road Neighborhood Association at the Lion's Field Citizen's Center on November 17, 2005. A map of multi-family eligible properties was presented at the meeting and property owners were given the opportunity to request the conditional zoning. The meeting notice also recommended that property owners not able to attend contact Staff to learn more about the proposal. Eight eligible property owners requested the conditional zoning at the meeting and two property owners called Staff and requested the rezoning in writing.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Rudy Nino, Jr. 207-8389

VOTE

FOR	8
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005282 CD

ZONING CASE NO. Z2005282 CD – February 21, 2006

Applicant: City of San Antonio

Zoning Request: "R-4" "RIO-1" Residential Single Family River Improvement Overlay District 1 to "R-4" "RIO-1" (CD-2, 4 and 6 units) Residential Single Family River Improvement Overlay District 1 with a Conditional use for 2, 4 and 6 units

City staff represented this case.

FAVOR

Barbara Witte-Howell, Chairperson of River Road Neighborhood Association, stated they were in the process of implementing a Neighborhood Conservation District when the UDC took effect in 2001 and were then informed they were reclassified as multi family dwelling zone. She stated their intent is to maintain single-family character. She stated they are in support of this zoning request as this would enforce the single-family character however if they property is currently being used as multi family it will remain until the structure no longer is in use.

Larry De Martino, 115 Armour Place, stated this neighborhood is single family/multi family character. He stated this change in zoning would help maintain this character.

Staff stated there were 141 notices mailed out to the surrounding property owners, 3 returned in opposition and 2 returned in favor and River Road Neighborhood Association is in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

(A verbal vote was taken)

The motion was made by Commissioner Gray and seconded by Commissioner Sherrill to find consistency with the neighborhood plan.

AYES: Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez, Stribling, Gray

NAYS: None

Z2005282 CD

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Robbins for recommend approval.

1. Property is located on Lots 1 and 2, NCB 6938; Lots 1, 8, the west 12.5 feet of 9, the east 12.5 feet of 12, 13 and 14, NCB 6939; Lots 20 and 21, Block 2, NCB 6530; Lots 4 and the west 25 feet of 5, Block 3, NCB 6202; Lots 9 and the west 25 feet of 10, Block 4, NCB 6203 and Lots 19 and 20, Block 2, NCB 6201; northeast irregular 37.4 feet of Lot 1 thru 3 and northwest irregular 10 feet of Lot 4, NCB 7080 and the southeast 17.3 feet of Lot E, NCB A-2
2. There were 141 notices mailed, 3 returned in opposition and 2 in favor.
3. Staff recommends approval.

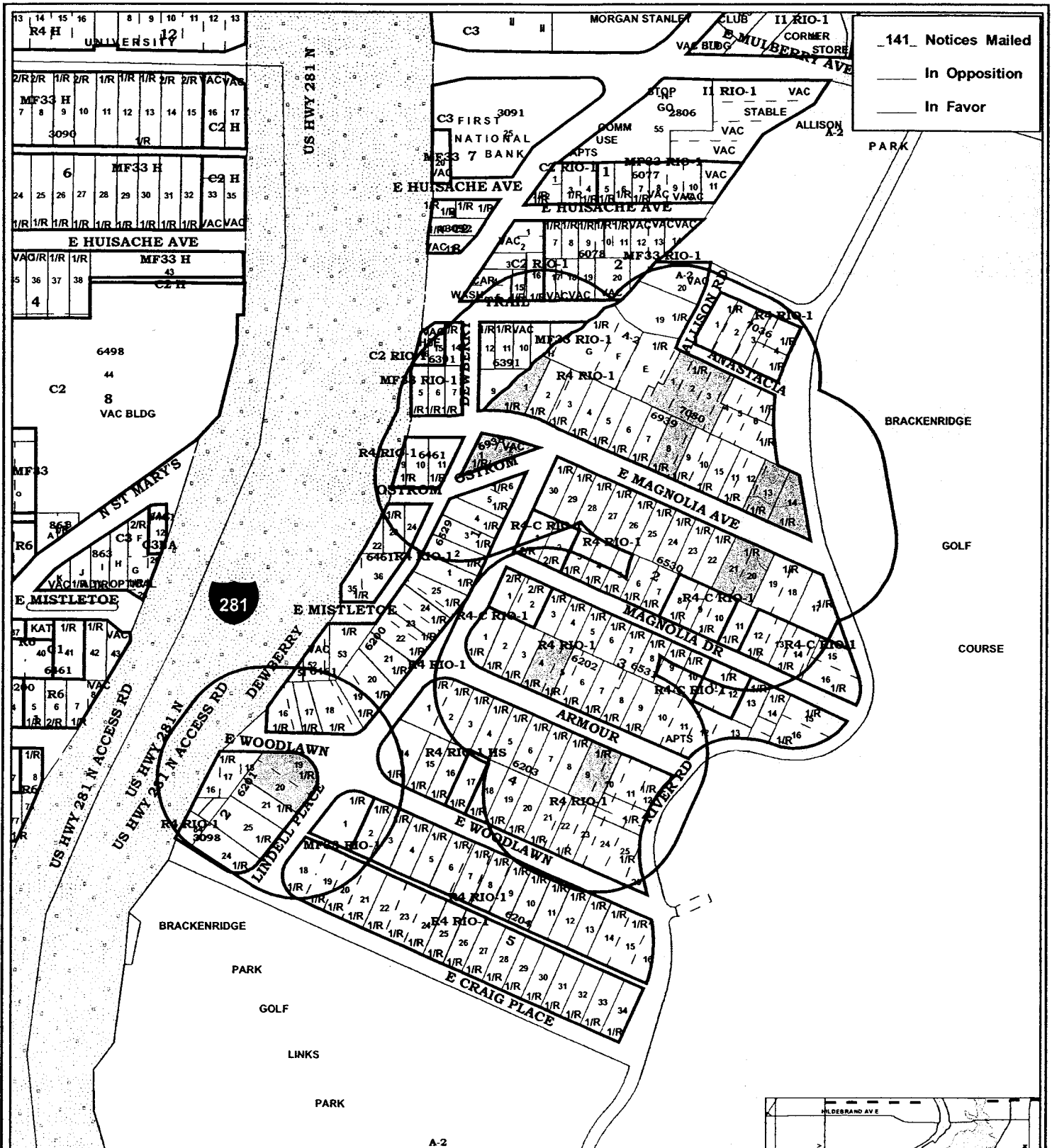
AYES: Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.



ZONING CASE: Z2005-282 CD

City Council District No. 1

Requested Zoning Change

From "R-4" RIO-1 To "R-4" CD RIO-1

Date: March 23, 2006

Scale: 1" = 300'

Subject Property

200' Notification



C:\Feb_7_2006